



EXPRESS MAIL MAILING LABEL NO. EV260610526US

PATENT
Attorney Docket No. LEX-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gillies *et al.* CONF. NO.: 3473
SERIAL NO.: 09/621,268 GROUP NO.: 1642
FILING DATE: July 21, 2000 EXAMINER: K. Canella, Ph.D.
TITLE: Fc Fusion Proteins For Enhancing the Immunogenicity of Protein and Peptide Antigens

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF AMENDMENT AND RESPONSE

Sir:

Applicants enclose a courtesy copy of an Amendment and Response filed on September 5, 2003. Applicants thank Examiner Canella for informing us that the Amendment and Response is not yet reflected in the records of the U.S. Patent and Trademark Office. Applicants respectfully request entry of the Amendment and Response, examination of the application under 37 C.F.R. § 1.104, and allowance of the application in due course.

An Office action was mailed from the USPTO on March 21, 2003, for the above-identified patent application. A copy of the Office action is attached as Exhibit A. The Office action set a three month shortened statutory period for reply.

On September 5, 2003, Applicants filed an Amendment and Response with the USPTO together with a petition for a three-month extension of time under 37 C.F.R. § 1.136(a), extending the available time for response up to and including Monday, September 22, 2003. Applicants also included a check in the amount of \$930.00 and a signed authorization to charge any additional fees which may have been required to Deposit Account No. 20-0531. Applicants' response and the accompanying papers (collectively, "the Response," including a transmittal form, an Amendment and Response to the Office action, a petition and check for the three-month extension of time, an

Resubmission of Amendment and Response

U.S. Serial No. 09/621,268

Page 2 of 2

Associate Power of Attorney, and a return receipt postcard, copies of which are attached as Exhibit B) were sent to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 utilizing the "Express Mail Post Office to Addressee" service of the U.S. Postal Service on September 5, 2003. The "Express Mail" mailing label number, EL 954151723 US, was placed on each paper and fee, in accordance with 37 C.F.R. § 1.10(b).

Applicants enclose as Exhibit C a copy of the "Express Mail" mailing label, showing a "date-in" of "9-5-03," and a date stamp of "SEP-5 2003." Furthermore, the Response was received by the USPTO, as evidenced by the enclosed copy of a "Track and Confirm" document (see Exhibit D) retrieved from the U.S. Postal Service web-site showing that the Response was delivered "at 8:44 am on September 08, 2003 in Alexandria, VA 22313 to PATENT OFFICE" and "signed for by R CARR."

Accordingly, Applicants submit that a reply to the Office action of March 21, 2003, was timely filed, as the Response is entitled to its date of deposit with the U.S. Postal Service, September 5, 2003, under 37 C.F.R. § 1.10(a), was accompanied by a petition and fee for a three-month extension of time, and was received by the USPTO. Accordingly, Applicants respectfully request that the Amendment and Response be entered, and that the application be examined under 37 C.F.R. § 1.104.

Applicants believe no fee is required for consideration of this request. Nevertheless, please charge any required fee to Deposit Account No. 20-0531.

The Office is invited to contact the undersigned with any questions.

Respectfully submitted,



Brian A. Fairchild, Ph.D.
Attorney for the Applicants
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

Date: January 7, 2004
Reg. No. 48,645
Tel. No.: (617) 248-7697
Fax No.: (617) 248-7970

2724519